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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,630	07/03/2001	Rajesh Kumar	81862.P249	5156

7590 01/08/2007
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
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Los Angeles, CA 90025-1026

EXAMINER

JUNG, MIN

ART UNIT	PAPER NUMBER
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2616

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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Office Action Summary	Application No.		Applicant(s)	
	09/899,630		KUMAR ET AL.	
	Examiner		Art Unit	
	Min Jung		2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-9 and 12-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-9 and 12-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 4, 7-9, 12, 15-18, 21, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagirahim et al., US 6,937,598 (Hagirahim).

Hagirahim discloses a method and apparatus for transporting ATM cell traffic over IP networks.

Regarding claim 1, 9, and 17, Hagirahim teaches a method and apparatus for setting a first connection between an edge gateway of a first voice packet network, having voice data of a first format, and an interworking unit (the connection between the ATM network 61 to the gateway 21, see Fig. 5); and setting a second connection

between an edge gateway of a second voice packet network, having voice data of a second format, and the interworking unit (the connection between the IP backbone network 11 and the gateway 21, see Fig. 5), wherein the interworking unit provides a conversion function to directly convert one of the voice data of the first format to voice data of the second format or the voice data of the second format to voice data of the first format, wherein the conversion function is controlled by one of a call agent of the first voice packet network or a call agent of the second voice packet network (ATM cells 41 are encapsulated into IP packets 51, see col. 5, lines 29-49, and col. 5, line 59 – col. 6, line 38).

Regarding claim 4, 12, and 18, Hagirahim teaches interworking unit interfacing with a call agent of a voice packet network. See col. 5, lines 35-49, and col. 6, lines 29-33. According to the present specification, a call agent has a network management function and has the “conversion server” software for interworking function (specification page 7, [0013]). Therefore, the gateway having the conversion (encapsulation) function for interworking between ATM and IP networks reads on this limitation.

Regarding claims 7, 8, 15, 16, 21, and 22, Hagirahim teaches IP network capable of transporting real time protocol. Hagirahim teaches POTS (voice) implemented using ADSL. See col. 5, line 59 – col. 6, line 38.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 6, 13, 14, 19, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagirahim.

Regarding claims 5, 6, 13, 14, 19, and 20, Hagirahim fails to specifically teach that the network is a voice over ATM adaptation layer 2 network. Westberg, however, teaches transporting IP packets using ATM adaptation layer 2 (IP over ATM). It is well known at least from Westberg that ATM adaptation layer 2 network is used to interwork and transport packets of different format (IP packets). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to implement the Hagirahim's teaching by adopting transporting scheme using ATM AAL2 as taught in Westberg to make the ATM over IP with ATM network operating with AAL2 functionalities. Further, layer 2 network being selected from the group consisting of a ITU Q.2630.1 controlled network, a PNNI controlled single-channel per Switched Virtual Circuit network, and a permanent virtual circuits network would be an obvious choice once layer 2 network is implemented.

Response to Arguments

5. Applicant's arguments filed December 11, 2006 have been fully considered but they are not persuasive.

Applicants argue once again that Hagirahim does not teach or suggest the invention recited in the present claims. Specifically, applicants contend that Hagirahim is

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silent about and does not teach or suggest that the voice data in the ATM format is converted to voice data in the IP format. Applicants further contend that Hagirahim explicitly discloses that the IP packet keeps the ATM cells intact within the packet, and that Hagirahim does not teach directly converting the voice data of the first format to voice data of the second format and to convert voice data of the second format to voice data of the first format. Applicants seem to give a very specific meaning to the words “convert” and “conversion”, and seem to regard the result of the encapsulation as something that teaches away from conversion. However, the data format conversion resulted from encapsulation in Hagirahim is in fact a kind of format conversion, because voice data of ATM format is now carried in IP format after the conversion (encapsulation). By encapsulating the voice data in ATM format into an IP packet, Hagirahim converted the data format. If the invention is in the specific nature of the conversion involving a specific processing of header, etc., such aspect should be recited to overcome the references applied. The conversion of voice data from a first format to a second format as recited in the present claims reads on the teaching of Hagirahim as applied above.

Applicant further argues that Westberg also is silent about and does not teach or suggest an interworking unit to directly convert the voice data of the first format to voice data of the second format and to convert voice data of the second format to voice data of the first format, as claimed. The limitation is met by Hagirahim as addressed above, and as previously addressed in the last office action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Min Jung whose telephone number is 571-272-3127.

The examiner can normally be reached on Monday through Friday 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJ
August 7, 2006


Min Jung
Primary Examiner